

1 A bill to be entitled
2 An act relating to the William L. Boyd, IV, Effective
3 Access to Student Education grants; amending s.
4 1009.89, F.S.; revising legislative findings;
5 providing that tuition assistance through the program
6 shall be based on specified performance metrics and
7 tiers; revising eligibility criteria for institutions
8 and persons to participate in the program; revising
9 the requirements for a specified report institutions
10 must annually submit; providing for annual minimum
11 performance benchmarks and standards; providing
12 requirements for such benchmarks and standards;
13 requiring the legislature to annually adopt benchmarks
14 and standards for specified purposes and evaluate
15 institutions based on such benchmarks for tier
16 placement; providing funding requirements for such
17 institutions based on such tiers; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 1009.89, Florida Statutes, is amended
23 to read:

24 1009.89 The William L. Boyd, IV, Effective Access to
25 Student Education grants.—

26 (1) The Legislature finds and declares that independent
27 nonprofit colleges and universities eligible to participate in
28 the William L. Boyd, IV, Effective Access to Student Education
29 Grant Program are an integral part of the higher education
30 system in this state and that a significant number of state
31 residents choose this form of higher education. The Legislature
32 further finds that a strong and viable system of high-performing
33 independent nonprofit colleges and universities reduces the tax
34 burden on the citizens of the state. Because the William L.
35 Boyd, IV, Effective Access to Student Education Grant Program is
36 not related to a student's financial need or other criteria upon
37 which financial aid programs are based, but is instead based on
38 specified performance metrics for each eligible institution, it
39 is the intent of the Legislature that the William L. Boyd, IV,
40 Effective Access to Student Education Grant Program not be
41 considered a financial aid program but rather a tuition
42 assistance program for its citizens. Such tuition assistance
43 shall be tiered based on each eligible institution's performance
44 metrics.

45 (2) The William L. Boyd, IV, Effective Access to Student
46 Education Grant Program shall be administered by the Department
47 of Education. The State Board of Education shall adopt rules for
48 the administration of the program.

49 (3) An institution is eligible to participate in the
50 ~~department shall issue through the program~~ a William L. Boyd,

51 IV, Effective Access to Student Education grant program if the
52 institution is ~~to any full-time degree-seeking undergraduate~~
53 ~~student registered at~~ an independent nonprofit college or
54 university ~~which is~~ located in and chartered by the state; ~~which~~
55 is accredited by the Commission on Colleges of the Southern
56 Association of Colleges and Schools; ~~which~~ grants baccalaureate
57 degrees; ~~which~~ is not a state university or Florida College
58 System institution; is in compliance with the reporting,
59 disclosure, and transparency requirements of this section and
60 other general law; and ~~which~~ has a secular purpose, so long as
61 the receipt of state aid by students at the institution would
62 not have the primary effect of advancing or impeding religion or
63 result in an excessive entanglement between the state and any
64 religious sect.

65 (4) A person is eligible to receive such William L. Boyd,
66 IV, Effective Access to Student Education grant if:

67 (a) He or she meets the general requirements, including
68 residency, for student eligibility as provided in s. 1009.40,
69 except as otherwise provided in this section.

70 (b)1. He or she is enrolled as a full-time undergraduate
71 student at an eligible college or university that is ranked Tier
72 1 or Tier 2 under paragraph (6)(a) in a program of study leading
73 to a baccalaureate degree.

74 2. He or she is not enrolled in a program of study leading
75 to a degree in theology or divinity.

76 3. He or she is making satisfactory academic progress as
77 defined by the State Board of Education.

78 4. He or she has not completed more than 110 percent of
79 the degree program in which he or she is enrolled.

80 (5)(a) Funding for the William L. Boyd, IV, Effective
81 Access to Student Education Grant Program for eligible
82 institutions shall be as provided in the General Appropriations
83 Act. The William L. Boyd, IV, Effective Access to Student
84 Education grant may be paid on a prorated basis in advance of
85 the registration period. The department shall make such payments
86 to the college or university in which the student is enrolled
87 for credit to the student's account for payment of tuition and
88 fees. Institutions shall certify to the department the amount of
89 funds disbursed to each student and shall remit to the
90 department any undisbursed advances or refunds within 60 days of
91 the end of regular registration. A student is not eligible to
92 receive the award for more than 9 semesters or 14 quarters,
93 except as otherwise provided in s. 1009.40(3).

94 (b) If the combined amount of the William L. Boyd, IV,
95 Effective Access to Student Education grant issued pursuant to
96 this act and all other scholarships and grants for tuition or
97 fees exceeds the amount charged to the student for tuition and
98 fees, the department shall reduce the William L. Boyd, IV,
99 Effective Access to Student Education grant issued pursuant to
100 this act by an amount equal to such excess.

101 (c) By September 1 of each year, institutions ~~receiving~~
 102 ~~funding as provided in the General Appropriations Act~~ must
 103 submit an Effective Access to Student Education Grant Program
 104 Accountability Report to the Department of Education, in a
 105 format prescribed by the department. The institution's president
 106 or chief administrative officer shall certify in the report,
 107 that the institution is in compliance with the reporting,
 108 disclosure, and transparency requirements of this section and
 109 other general law and that the institution has provided each
 110 resident student with data on its performance on the metrics
 111 listed in this paragraph, the student's net cost to complete his
 112 or her degree, and, for students that have declared a major, the
 113 declared major's expected earnings outcomes 1, 5, and 10 years
 114 after graduation. The report must also use the most recently
 115 available information on Florida resident students and include,
 116 at a minimum, the following performance metrics, by institution:
 117 1. Access rate based upon percentage of Pell Grant-
 118 eligible students.
 119 2. Affordability rate based upon average student loan
 120 debt; federal, state, and institutional financial assistance;
 121 and average tuition and fees.
 122 3. Graduation rate.
 123 4. Retention rate.
 124 5. Postgraduate employment or continuing education rate.
 125 6. Workforce graduation rate based upon the percentage of

126 grant recipient graduates in high-demand programs that are
 127 included on the Department of Economic Opportunity or Labor
 128 Market Estimating Conference lists for statewide or regional
 129 demand as a percentage of total grant recipient graduates.

130 7. Workforce employment rate based on the percentage of
 131 grant recipient graduates who obtain employment in their field
 132 of study within 120 days after graduation as a percentage of
 133 total graduates employed within 120 days after graduation.

134
 135 ~~The department shall recommend minimum performance standards~~
 136 ~~that institutions must meet to remain eligible to receive grants~~
 137 ~~pursuant to this section.~~ Each eligible institution shall post
 138 prominently on its website, by October 1 of each year, its
 139 performance on these metrics, as reported to the department.

140 (d) By October 1 of each year, the department shall submit
 141 a report to the chair of the House Appropriations Committee, the
 142 chair of the Senate Appropriations Committee, and the Governor's
 143 Office of Policy and Budget on the performance of each eligible
 144 institution. The report must also recommend annual minimum
 145 performance benchmarks for the performance metrics in paragraph
 146 (c) and strategies to ensure continuous improvement of eligible
 147 institutions and the program. The minimum performance benchmarks
 148 included in the report must increase annually.

149 (e) For fiscal year 2023-2024, the benchmarks and minimum
 150 standards for each benchmark are as follows:

- 151 1. An access rate of 32 percent.
- 152 2. An affordability rate of \$7,263.
- 153 3. A graduation rate of 45 percent.
- 154 4. A retention rate of 65 percent.
- 155 5. A postgraduate employment or continuing education rate
 156 of 64 percent.

157 (f) Beginning with the 2024-2025 General Appropriations
 158 Act and thereafter, the Legislature must also consider each
 159 institution's workforce employment rate when determining
 160 institutional eligibility ~~institutions and the institutions that~~
 161 ~~have not met the minimum performance standards recommended by~~
 162 ~~the department.~~

163 (6) (a) Each year, the Legislature shall adopt benchmarks
 164 and minimum standards specified in the General Appropriations
 165 Act and shall evaluate each institution's performance based on
 166 such benchmarks and place each institution in one of three tiers
 167 for the purpose of determining award amounts. The tiers are
 168 established as follows:

169 1. Tier 1: an institution that meets the requirements of a
 170 Tier 2 institution and also meets or exceeds a workforce
 171 graduation rate of 56 percent.

172 2. Tier 2: an institution that meets or exceeds at least 3
 173 out of 5 benchmarks.

174 3. Tier 3: an institution that meets no more than 2 out of
 175 5 benchmarks.

176 (b) The per student award amounts for each tier shall be
177 as follows:

178 1. Tier 1: \$500 more than the Tier 2 per student award
179 amount.

180 2. Tier 2: As specified in the General Appropriations Act.

181 3. Tier 3: \$0.

182 ~~(7)(6)~~ If the number of eligible students exceeds the
183 total authorized in the General Appropriations Act, an
184 institution may use its own resources to assure that each
185 eligible student receives the full benefit of the grant amount
186 authorized.

187 ~~(8)(7)~~ The State Board of Education shall adopt rules to
188 implement this section.

189 Section 2. This act shall take effect July 1, 2023.